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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,323	01/11/2002	Takashi Okazawa	03500.016101.	4441
5514	7590	01/26/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LAM, ANDREW H	
		ART UNIT	PAPER NUMBER	
		2624		

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/042,323	OKAZAWA, TAKASHI
Examiner	Art Unit	
Andrew H. Lam	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 11 January 2002.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 January 2002 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

DOAN HAO TRAN  
Examiner

*Tranlong*

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: CPU as cited in the specification is numbered as 210 while referring to the drawing in figure 2 the CPU is numbered as 102.

Appropriate correction is required.

### ***Drawings***

The drawings are objected to because in figure 3 Mail Delivery is numbered as S302 while and Trap Recognized is also numbered as S302 while in the specification the numbering is S304 and S30303, respectively. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 46-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 46-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The program claimed is merely a set of instructions per se. Since the computer program is merely a set of instructions not embodied on a computer readable medium to realize the computer program functionality, the claimed subject matter is non-statutory. See MPEP § 2106 IV.B.1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama et al. (EP 1003307) hereinafter Motoyama in view of Kelly et al. (EP 0150273) hereinafter Kelly.

Regarding claim 1, Motoyama discloses a communication controller for controlling communication between an apparatus and a network (fig. 4, multiport communication interface), comprising: obtaining means (fig. 3, cpu) for obtaining information concerning the apparatus (col. 9, lines 5-24); message creating means (fig. 6A, user agent) for creating a message based on the information obtained by said obtaining means in a language determined by said language determining means (col. 11, lines 49-50); and notifying means (fig. 6A, Message transfer agent) for delivering a message created by said message creating means (col. 11, lines 50-55).

Motoyama does not disclose expressly a language determining means for determining a language for creating a message.

Kelly discloses a language determining means for determining a language for creating a message (pages 6 and 7).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Motoyama per the teaching of Kelly for the following reason: by having a determining means for determining a language for creating a message will allow a user at a different location (another country) to understand the message, i.e. the sender uses language AAA and the receiver uses language BBB. The language AAA has to be converted to language BBB so that the receiver can understand the message (Kelly, page 6).

Regarding claim 2, the combination discloses the communication controller according to claim 1, wherein said language determining means determines a language

based on location information obtained from said device indicating a location (Kelly, page 6, paragraph 2).

Regarding claim 3, the combination discloses the communication controller according to claim 2, wherein said location information indicates a location where the apparatus is used, or to which the apparatus is shipped, or where the apparatus is manufactured, or where the apparatus is sold (Kelly, page 6, paragraph 2).

Regarding claim 4, the combination discloses the communication controller according to claim 1, wherein said language determining means determines a language based on language information that indicates a language to be used for the panel display on the apparatus (Kelly, page 6, paragraph 2).

Regarding claim 5, the combination discloses the communication controller according to claim 1, wherein said language determining means determines a language based on information obtained from the apparatus indicating a destination to which the apparatus is shipped (it is well known in the art that a code is set in an apparatus specifying specific language for that device where it will be shipped to, i.e. the country, which is default language at initial setup of the device).

Regarding claim 6, the combination discloses the communication controller according to claim 1, wherein said language determining means determines a language based on information indicating a product name of the apparatus (Kelly, page 6, paragraph 2).

Regarding claim 7, the combination discloses the communication controller according to claim 1, wherein said language determining means determines a language

based on location information set in a job to be processed by the apparatus indicating a location (Kelly, page 6, paragraph 2).

Regarding claim 8, the combination discloses the communication controller according to claim 1, wherein said language determining means determines a language based on a character code type for owner information that indicates an owner of a job to be processed by the apparatus (Kelly, page 6, paragraph 2).

Regarding claim 16, the combination discloses the communication controller according to claim 1, comprising: controlling means for determining the state of the apparatus based on information indicating the state of the apparatus and for controlling a message delivery by said notifying means in accordance with the result of the determination (Motoyama, col. 5, lines 20-25, col. 11, lines 24-58).

Regarding claim 17, the combination discloses the communication controller according to claim 1, wherein said message creating means determines the state of the apparatus based on information indicating a state of the apparatus and creates a message content in accordance with the result of the determination (Motoyama, col. 5, lines 20-25, col. 11, lines 24-58).

Regarding claim 18, the combination discloses the communication controller according to claim 1, comprising: controlling means for determining the state of the apparatus based on information indicating a state of the apparatus and for controlling a message delivery by said notifying means in accordance with set values indicating conditions for delivering a message and the result of the determination (Motoyama, fig. 17, conditions such as paper jams, etc.)

Regarding claim 19, the combination discloses the communication controller according to claim 1, wherein said message creating means determines the state of the apparatus based on information indicating a state of the apparatus and creates a message content in accordance with set values indicating conditions for delivering a message and the result of the determination (Motoyama, fig. 17, conditions such as paper jams, etc.).

Regarding claim 20, the combination discloses the communication controller according to claim 1, wherein said message creating means inserts into a message sentence prepared in advance a message based on information obtained by said obtaining means (Motoyama, fig. 17, col. 20, lines 1-37).

Regarding claim 21, the combination discloses the communication controller according to claim 1, wherein it consists of a network board to be mounted on the apparatus (Motoyama, fig. 3, multi-port comm. i/f, it is well known in the art that the i/f. card can be on a board mounted on the apparatus making it easy to replace or upgrade when desired).

Regarding claims 9 and 12, Motoyama discloses a communication controller for controlling communication between an apparatus and a network (fig. 4, multi-port communication interface), comprising: obtaining means (fig. 3, cpu) for obtaining information concerning the apparatus (col. 9, lines 5-24); and notifying means (fig. 6A, Message transfer agent) for delivering a message created by said message creating means.

Motoyama does not disclose expressly a message creating means for creating a message based on the information obtained by said obtaining means in a language specified for each destination to which the message is to be sent.

Kelly discloses a message creating means for creating a message based on the information obtained by said obtaining means in a language specified for each destination to which the message is to be sent (pages 6 and 7).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Motoyama per the teaching of Kelly for the following reason: by having a determining means for determining a language for creating a message will allow a user at a different location (another country) to understand the message, i.e. the sender uses language AAA and the receiver uses language BBB. The language AAA has to be converted to language BBB so that the receiver can understand the message (Kelly, page 6).

Regarding claim 10, the combination discloses the communication controller according to claim 9, comprising: setting means for setting a combination of a destination and a language; and storing means for storing information indicating a combination of a destination and a language being set (Kelly, page 6).

Regarding claim 11, the combination discloses the communication controller according to claim 9, comprising: sending means for sending to an external apparatus data describing a setting screen view for specifying a combination of a destination and a language, wherein settings for a destination and a language are made at said setting

screen view displayed on the external apparatus (it is well known in the art that at initial setup of an apparatus a user can specify setting, such as destination, language, etc.).

Regarding claim 13, the combination discloses the communication controller according to claim 12, comprising: setting means for setting a combination of a message content type and a language; and storing means for storing information indicating a combination of a destination and a language being set (Kelly, page 6).

Regarding claim 14, the combination discloses the communication controller according to claim 12, comprising: sending means for sending to an external apparatus data describing a setting screen view for specifying a combination of a message content type and a language, wherein settings for a destination and a language are made at said setting screen view displayed on the external apparatus (it is well known in the art that at initial setup of an apparatus a user can specify setting, such as destination, language, etc.).

Regarding claim 15, the combination discloses the communication controller according to claim 12, wherein message contents include those indicating a job termination, an error occurrence, and a need for consumable item replacement or replenishing (Motoyama, fig. 17).

Regarding claims 43 and 46, Motoyama discloses a notification method for delivering information indicating a state of an apparatus, comprising (fig. 4, multi-port communication interface), comprising: obtaining step (fig. 3, cpu) for obtaining information concerning the apparatus (col. 9, lines 5-24); message creating step (fig. 6A, user agent) for creating a message based on the information obtained by said

obtaining means in a language determined by said language determining means (col. 11, lines 49-50); and notifying step (fig. 6A, Message transfer agent) for delivering a message created by said message creating means (col. 11, lines 50-55).

Motoyama does not disclose expressly a language determining step for determining a language for creating a message.

Kelly discloses a language determining step for determining a language for creating a message (pages 6 and 7).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Motoyama per the teaching of Kelly for the following reason: by having a determining step for determining a language for creating a message will allow a user at a different location (another country) to understand the message, i.e. the sender uses language AAA and the receiver uses language BBB. The language AAA has to be converted to language BBB so that the receiver can understand the message (Kelly, page 6).

Regarding claims 44, 45, 47 and 48, Motoyama discloses a notification method for delivering information indicating a state of an apparatus, comprising (fig. 4, multiport communication interface): obtaining step (fig. 3, cpu) for obtaining information concerning the apparatus (col. 9, lines 5-24); and notifying step (fig. 6A, Message transfer agent) for delivering a message created by said message creating step.

Motoyama does not disclose expressly a message creating step for creating a message based on the information obtained by said obtaining step in a language specified for each destination to which the message is to be sent.

Kelly discloses a message creating step for creating a message based on the information obtained by said obtaining step in a language specified for each destination to which the message is to be sent (pages 6 and 7).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Motoyama per the teaching of Kelly for the following reason: by having a determining step for determining a language for creating a message will allow a user at a different location (another country) to understand the message, i.e. the sender uses language AAA and the receiver uses language BBB. The language AAA has to be converted to language BBB so that the receiver can understand the message (Kelly, page 6).

Regarding claims 22-29 and 37-42 the claims recite limitations that are similar and in the same scope of invention as to those in claims 1-8 and 16-21 above and combination thereof; therefore, claims 22-29 and 37-42 are rejected for the same rejection rationale/basis as described in claims 1-8 and 16-21.

Regarding claims 30-36 the claims recite limitations that are similar and in the same scope of invention as to those in claims 9-15 above and combination thereof; therefore, claims 30-36 are rejected for the same rejection rationale/basis as described in claims 9-15.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew H. Lam whose telephone number is (571) 272-8569. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DOUGLAS Q. TRAN  
PRIMARY EXAMINER

